

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****M.A. No. 178 of 1995 (R)****WITH****M.A. No. 179 of 1995 (R)**

1. The United India Insurance Co. Ltd., Madras
  2. The United India Insurance Co. Ltd., Calcutta Regional Office;
  3. The Divisional Manager, United India Insurance Company Ltd.
  4. The Branch Manager, the United India Insurance Company Ltd.
- ... .. Appellants [In both the appeals]
- V e r s u s -
- M/s. D.P.S. Computers & Allied Products (Pvt.) Ltd.
- ... .. Respondent [In both the appeals]

**CORAM: - HON'BLE MR. JUSTICE D. N. UPADHYAY**

For the Appellant :Mr. Sohail Anwar, Advocate.  
Mr. Altaf Hussain, Advocate.

For the Respondent :Mr. Sudarshan Srivastava, Advocate.

10/16.06.2014 The appellants have challenged the Judgment dated 11.08.1995 passed by Sub Judge – VII, Ranchi by which Arbitration Title Suit No. 128/41 of 1992 – 94 [in M.A. No. 178 of 1995 (R)] and Arbitration Title Suit No. 129/42 of 1992 – 94 [in M.A. No. 179 of 1995 (R)] have been disposed of by a common Judgment and the learned Sub Judge has made the Award as Rule of Court.

It is contended that the appellants/petitioners have challenged the appointment of sole Arbitrator by filing Miscellaneous Case No. 20/1992 before the Sub Judge, Ranchi but the prayer was rejected vide Judgment dated 17.06.1992. Thereafter, Civil Revision No. 173/1993 (R) was preferred to set aside the impugned order dated 17.06.1992 passed in Miscellaneous Case NO. 20/1992.

Initially the said Civil Revision No. 173/1993(R) was dismissed by this Court vide order dated 05.07.1993. Thereafter, the matter went up to the Supreme Court and the matter was remanded back to this Court vide order dated 07.03.1994 and again the Civil Revision was dismissed vide order dated 23.05.1995. It is noteworthy that the matter was again agitated by the appellants/petitioners before the Supreme Court and the order dated 23.05.1995 was set aside and the matter was remanded back again to this

Court for fresh hearing in the matter. After the second remand, this Court has decided the Civil Revision No. 173/1993(R) on 25.03.2013 by a detailed and reasoned order.

In view of the observations made in paragraph-34 of the order dated 25.10.2013, passed by this Court in Civil Revision No. 173/1993(R), the appointment of sole Arbitrator has been set aside with an observations that all the proceedings pursuant to the Award shall have no effect. I wish to quote paragraph-34 of the said order dated 25.10.2013 to make the matter more clear:-

“34. Under the circumstances the order passed by the learned Sub-Judge, Ranchi dt. 17-06-1992 and also the award passed by the arbitrator Shri H.K. Lal dated 29-06-1992 is set aside. All the proceeding started in consequence to the award shall have no effect.”

Since the appointment of sole Arbitrator itself has been set aside and this Court has held that all consequential proceedings and orders shall also have no effect, these two appeals appears to have become infructuous.

Send the lower court record back to the Trial Court.

**(D. N. Upadhyay, J.)**